

WETLANDS COUNCIL

MINUTES

August 10, 2004

The Wetlands Council met on Tuesday, August 10, 2004 at the Department of Environmental Services, 29 Hazen Dr., Concord, NH

Attendees: Brian K. Fowler, Chairman; Sharon Champagne, Thomas G. Chrisenton, John S. Cobb, William M. Dannehy, Ben Frost, William Ingham, Jr., Camilla Lockwood, Lawrence E. Morse, Glenn Normandeau, Russ St. Pierre, and Thomas Sloan

Absentees: John St.C. White

The meeting was called to order by Chairman Brian Fowler at 9:00 a.m.

1. Approval of Minutes of June 22, 2004 Meeting

A motion was made by Mr. Chrisenton and seconded by Mr. Morse to accept the minutes of June 22, 2004 as presented. It was unanimously voted.

2. Status of Appeals

Michael Sclafani, Appeals Clerk, distributed an Appeals Status Report and reviewed the report with council members.

- Docket No. 02-16 WtC - Donald S. Thompson: WB #2002-01019
A stay remains in effect pending the outcome of an enforcement action initiated by DES.
- Docket No. 03-02 WtC – Philip and Judith Mills: WB #2002-00922
A pre-hearing conference reconvened on June 22, 2004 and an appeal hearing is scheduled for October 12, 2004 at 9:00 a.m.
- Docket No. 03-03 WtC - Joseph J. Smith: WB #2001-00787
This case was appealed to the Rockingham County Superior Court. Mr. Sclafani has not received any documentation from the court on the status of this appeal.
- Docket No. 03-11 WtC - Town of Barrington
A stay remains in effect. Mr. Sclafani expects to receive a withdrawal of this appeal as a permit was issued under a new application making this appeal moot.

- Docket No. 03-17 WtC - Roy and Myra Gordon: WB #2002-02335
Attorney Amy Mills filed an appearance on behalf of DES and a withdrawal by Attorney Helms on June 23, 2004. On June 24, 2004, Attorney Jennifer Patterson filed an appearance on behalf of DES and a withdrawal by Attorney Mills. Attorney Kuster filed an appearance on behalf of the Appellants on June 28, 2004. A Decision & Order to neither grant nor deny Applicants' Motion to Admit Other Wetlands Council decisions was issued on June 29, 2004. On July 8, 2004 appellants filed a Motion to Compel Request for Information. On July 12, 2004 the applicants filed an Objection to Appellants' Motion to Compel Request for Information and a Pre-Hearing Memorandum of Law; appellants filed a Pre-hearing Memorandum; and a Decision & Order was issued denying appellants' Motion to Compel Requests for Information. DES filed a reply memorandum to pre-hearing memoranda on July 19, 2004. An appeal hearing is scheduled for August 10, 2004 at 10:00 a.m.
- Docket No. 04-07 WtC - Christopher Krochina: WB #2003-00183
On July 1, 2004 DES filed a certified record with the Council. On July 28, 2004 Attorney Richard Head filed an appearance on behalf of DES. On August 9, 2004 a pre-hearing conference was held and a schedule was set for document filing with an appeal hearing scheduled for November 9, 2004 at 1:00 p.m.
- Docket No. 04-08/09 WtC - GCC/CLF: WB #2002-01268
On July 6, 2004 Attorney Jennifer Patterson filed a Motion for Extension of Time to File Certified Record by DES. Applicant filed a reply to DES' Motion for Extension of Time to File Certified Record on July 9, 2004. On July 13, 2004 a pre-hearing conference was held. On July 15, 2004 a Decision & Order was issued granting DES' Motion to Extend Time to File Certified Record. Also on July 13, 2004 a notice was issued to hear Applicants' Motion to Dismiss CLF's Appeal on August 10, 2004 at 10:00 and for an appeal hearing to go forward on October 26, 2004 at 10:00 a.m. On July 22, 2004 a Motion for Site Visit and Supplementation of the Administrative Record was filed by CLF. An Objection to CLF's Motion for Site Visit and Supplementation of the Administrative Record was filed by Applicant on July 23, 2004. On July 26, 2004 a Decision & Order was issued denying CLF's Motion. On the same date, both Appellants and Applicant filed a motions hearing memorandum. On August 6, 2004 Attorney McNeill on behalf of the Applicant withdrew the Motion to Dismiss CLF.
- Docket No. 04-11 WtC - Jeannette and Lauren Boss: WB #2001-00982
On July 2, 2004 a certified record was filed by DES. Attorney Richard Head filed an appearance on behalf of DES on July 28, 2004. On August 9, 2004 a pre-hearing conference was held. At that time a document filing schedule was set with an appeal hearing scheduled for January 11, 2005 at 10:00 a.m.
- Docket No. 04-13 WtC - Mark E. Young: WB #2003-02680
On June 29, 2004 a certified record was filed by DES. Attorney Richard Head filed an appearance on behalf of DES on July 28, 2004. On August 9, 2004 a pre-hearing conference was held. At that time a document filing schedule was set and an appeal hearing scheduled for November 9, 2004 at 9:00 a.m.

3. **Wetlands Bureau Update**

Collis Adams, Wetlands Bureau Administrator, was present to answer questions from Councilors about Bureau activities. In response to a question regarding the effect on the Wetlands Bureau of a proposed budget reduction, Mr. Adams explained that the program managers had been asked to develop a budget for 2006 which reflects a 10% reduction. The Wetlands programs are currently 25% general funded, 50% fee funded and 25% federal funded.

4. **Old Business**

There is no old business to come before the Council.

5. **Other Business**

Election of Council Chair and Vice Chair

Brian Fowler was nominated for the position of Chair of the Wetlands Council.

Ms. Lockwood made a motion to elect Brian Fowler as Chair of the Wetlands Council. Mr. Chrisenton seconded the motion and it was unanimously voted.

Lawrence Morse was nominated to the position of Vice Chair of the Wetlands Council.

Mr. Chrisenton made a motion to elect Lawrence Morse as Vice Chair of the Wetlands Council. Ms. Lockwood seconded the motion and it was unanimously voted.

Both Mr. Fowler and Mr. Morse were present and accepted the positions to which they were elected.

6. **Next Meetings**

The following is the proposed meeting schedule through January 2005:

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| September | No meeting |
| October 12 | Mills appeal hearing |
| October 26 | Council meeting and GCC/CLF appeal hearing |
| November 9 | Young appeal hearing at 9:00 a.m. Krochina appeal hearing at 1:00 p.m. |
| December | No meeting |
| January 11 | Council meeting and Boss appeal hearing |

7. **Adjournment**

Mr. Normandeau made a motion to adjourn. Ms. Lockwood seconded the motion and it was unanimously voted.

The meeting adjourned at approximately 9:30 a.m.